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Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CHRIS SMITH, CHERYL SMITH, KAREN
SMITHSON, JASON ROUSH, COREY
POMROY, FRANK ORTEGA, LESLIE WHITE,
ALBERTO CORNEA, MICHELLE ROGERS,
JOSHUA BAYS, DEBORAH CLASS and
AMBER JONES, individually and on behalf of all
other similarly situated individuals,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 4:21-cv-09527-HSG

**STIPULATION AND
ORDER TO SHORTEN TIME
FOR BRIEFING AND HEARING
ON APPLE INC.'S MOTION TO
STAY DISCOVERY (as modified)**

Dept.: Courtroom 2 – 4th Floor
Judge: Hon. Haywood S. Gilliam, Jr.

Am. Compl. Filed: March 28, 2022

1 Pursuant to Rule 6-2(a) of the Local Rules of the United States District Court for the
2 Northern District of California, Plaintiffs Chris Smith, Cheryl Smith, Karen Smithson, Jason
3 Roush, Corey Pomroy, Frank Ortega, Leslie White, Alberto Cornea, Michelle Rogers, Joshua
4 Bays, Deborah Class, and Amber Jones (“Plaintiffs”) and Defendant Apple Inc. (“Apple”), by and
5 through their undersigned counsel, stipulate as follows:

6 WHEREAS, Plaintiffs filed their Amended Complaint (“FAC”) on March 28, 2022;

7 WHEREAS, Apple intends to file a motion to dismiss the FAC on or before April 27,
8 2022, pursuant to the deadline set by the parties’ stipulation that was entered by the Court (ECF
9 No. 28);

10 WHEREAS, Apple has requested that Plaintiffs stay discovery while its forthcoming
11 motion to dismiss the FAC is pending, or at least while its Motion to Stay Discovery is pending,
12 and Plaintiffs have declined (Declaration of Alexis A. Amezcua (“Amezcua Decl.”) ¶ 2);

13 WHEREAS, concurrent with this Stipulation, Apple filed a Motion to Stay Discovery,
14 requesting that the Court stay discovery until the Court resolves Apple’s forthcoming motion to
15 dismiss the FAC;

16 WHEREAS, Apple’s Motion to Stay Discovery is currently noticed for a hearing on
17 September 29, 2022, the earliest available hearing date on the Court’s calendar;

18 WHEREAS, Apple’s responses to Plaintiffs’ first set of interrogatories and requests for
19 production are due on May 11, 2022 (Amezcua Decl. ¶ 3);

20 WHEREAS, as explained in Apple’s concurrently filed Motion to Stay Discovery, Apple
21 believes temporarily staying discovery pending resolution of Apple’s forthcoming motion to
22 dismiss would promote efficiency and conserve judicial resources, and it will suffer prejudice if
23 its Motion to Stay Discovery is not resolved before its discovery responses are due on May 11,
24 2022 (Amezcua Decl. ¶ 4);

25 WHEREAS, while Plaintiffs disagree that a discovery stay is necessary, Plaintiffs have
26 agreed to Apple’s request for a shortened briefing schedule and request for an expedited hearing
27 date for Apple’s Motion to Stay Discovery;

28 WHEREAS, expediting the hearing date for the Motion to Stay Discovery will not alter

1 the date of any other event or deadline currently fixed by the Court (Amezcu Decl. ¶ 5);

2 THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the Court's
3 approval, as follows:

- 4 1. Plaintiffs will file their opposition to Apple's Motion to Stay Discovery on
5 April 25, 2022;
6 2. Apple will file its reply on May 2, 2022; and
7 3. The Court will hear Apple's Motion to Stay Discovery on May 5, 2022, or as soon
8 thereafter as the Court's calendar permits.

9
10 Dated: April 15, 2022

MORRISON & FOERSTER LLP

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12 By: /s/ Alexis A. Amezcu
ALEXIS A. AMEZCUA

13 Attorneys for Defendant
14 APPLE INC.

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16
17 Dated: April 15, 2022

MORGAN & MORGAN
COMPLEX LITIGATION GROUP


18
19
20 By: /s/ Marie N. Appel
MARIE N. APPEL

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22 CHRIS SMITH, CHERYL SMITH,
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25 ORTEGA, LESLIE WHITE,
26 ALBERTO CORNEA, MICHELLE
27 ROGERS, JOSHUA BAYS,
28 DEBORAH CLASS, AND AMBER
JONES

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED except the Court will hear Apple's motion to stay discovery on May 19, 2022 at 2:00 p.m. in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612.

Dated: 4/18/2022


Hon. Haywood S. Gilliam, Jr.
United States District Judge